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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after September 5, 2002 at 9:30 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on September 3, 2002.

BACKGROUND/OVERVIEW

Government Code section 85500(b) and regulation 18225.7 are the chief sources of authority for determining what is, and what is not, coordination under the Political Reform Act sufficient to classify an expenditure as a contribution to the candidate, or an expenditure made independent of the candidate. Regulation 18225.7(b) states a presumption of such coordination in two specific circumstances, and subdivision (c) outlines two cases where, without more, coordination will *not* be found. This kind of concrete guidance is critical to enforcement of the Act and to decisions by members of the regulated community who want secure guidance on what the Act requires. The broadly descriptive terms otherwise found in these rules do not answer many practical questions on specific actions regarded as “coordination,” “cooperation,” “consultation,” and the like.

To answer the questions left open by the current version of regulation 18225.7, staff has drafted a proposed replacement. The draft regulation grew out of a number of sources. It is modeled on the new federal regulation governing “Coordinated General Public Political Communications,” codified at 11 CFR § 100.23, comments offered during the federal rule-making process by NYU’s Brennan Center for Justice, and the Los Angeles City Ethics Commission’s proposed “coordinated expenditures” regulation, written in light of Los Angeles’ experiences with non-candidate expenditures over the last election cycle.

The goal of the revised regulation would be to clarify for the regulated community and the general public where the legal lines are to be drawn—a critical step to insuring accurate disclosure of expenditures attributable to candidates and enforcement of the Act’s new contribution limits. The regulation proposed by FPPC staff would replace regulation 18225.7 with a thoroughly re-drafted and expanded set of rules. The Commission has reached a consensus that the proposed regulation is an appropriate vehicle for stating the Commission’s views on what constitutes a coordinated expenditure. The Commission also directed staff to hold an Interested Persons’ meeting at which this draft regulation will be distributed for comment and discussion. Following that meeting, the regulation language will be finalized for the Commission’s consideration.

REGULATORY ACTION

Repeal and Reenact 2 Cal. Code Regs. section 18225.7:

Subdivision (a) of the proposed regulation provides that “made at the behest of” refers to expenditures made at the direction or request of a candidate, or made in coordination with a candidate. “Coordination” is then described as a general term henceforth incorporating the largely synonymous terms found throughout the Act and in former regulation 18225.7. Staff believes it convenient, at the least, to be able to speak of “coordinated expenditures” without need to list in every case all words included within the concept of “coordination.” The subdivision ends with a definition of candidate agents tailored to the context of this regulation.

Subdivision (b) states the general rule that an expenditure made at the instance of a candidate, or in coordination with a candidate, is a contribution under §§ 82015 and 85500(b).

Subdivision (c) lists instances where an expenditure is coordinated with a candidate. There are no presumptions or equivocations here. Subdivision (c) is intended to articulate the core definition of conduct that is in all cases “coordination.” Subparts specify a variety of activities amounting to coordination; where the candidate requests that an expenditure be made, after a candidate has made decisions on details of the communication funded by an expenditure, or when the candidate has participated in negotiating details of the communication, the result of which is an agreement. Subdivision (c) replicates the provisions of the federal regulation.

Subdivision (d) is not intended to add anything to the definition of “coordination,” which is fully defined in the preceding subdivision. Subdivision (d) merely adds a list of particular cases which give rise to a rebuttable presumption that an expenditure was

coordinated with a candidate. These presumptions were developed in part from Brennan Center proposals and provide guidance to both enforcement authorities and the regulated community. The presumptions derive their legitimacy from their treatment of relatively common situations, where it is reasonable to suspect underlying conduct that would meet the definition of “coordination” if all the facts were known, and where those facts are more readily accessible to the actors themselves than to outside observers. Persons described in this subdivision are placed on notice that their actions may or may not violate the Act, but because they are close to the legal “line,” they may be required to produce evidence that the expenditures at issue did not involve coordination. Bracketed subdivisions (d)(4) and (d)(5) may not be adopted as presumptions.

Finally, subdivision (e) carries over “safe harbor” provisions from the existing version of regulation 18225.7. Persons contemplating expenditures on campaign communications often base their decisions on information gleaned from candidate interviews or responses to questionnaires, and solicitation of informational materials. It should be clear that compliance with such requests, without more, cannot be characterized as candidate “coordination,” and the routine nature of such activities makes it useful to expressly so state in this regulation.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 82015, 82025, 82031 and 85500.

CONTACT

Any inquiries should be made to Lawrence T. Woodlock, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814;

telephone (916) 322-5660 or 1-800-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after September 5, 2002 at 9:30 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on September 3, 2002.

BACKGROUND/OVERVIEW

Proposition 34 added section 85310 to the Political Reform Act which requires disclosure of payments of \$50,000 or more for communications that clearly identify a state candidate and are made within 45 days of an election. To implement section 85310, the Commission adopted regulation 18539.2, which sets forth disclosure requirements on reports filed pursuant to section 85310. The Secretary of State’s office has requested that the Commission amend regulation 18539.2 to require a description of the purpose of the expenditure for which the payment of \$50,000 or more was made.

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18539.2: The proposed amendment would insert a new subdivision requiring filers to state the type of communication that they purchased, whether a television or radio advertisement, a print advertisement, or literature and mailings, clearly identifying the candidate.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 81004, 83112 and 85310.

CONTACT

Any inquiries should be made to Hyla P. Wagner, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-800-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

**TITLE 2. STATE
PERSONNEL BOARD**

**NOTICE OF PROPOSED ADOPTION OF
REGULATION AND STATEMENT OF REASONS**

California Code of Regulations
Title 2, Administration
Division 1, Administrative Personnel

DATE: August 2, 2002
TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET
SUBJECT: Prison Industry Authority Demonstration Project

AUTHORITY

Under the authority established in Government Code § 18701, the State Personnel Board (SPB) is proposing to adopt § 549.95 of Title 2 of the California Code of Regulations to establish a demonstration project for the Prison Industry Authority (PIA). This will allow PIA to conduct competitive examinations and make appointments to positions based on a merit process open to all persons meeting specific minimum

qualifications established for individual managerial and supervisory classes (M12 and S12), using the Career Executive Assignment (CEA) selection requirements.

REFERENCE

This regulation is adopted to implement, interpret, and/or make specific Government Code §§ 19600, 19605, and 19607.

PUBLIC HEARING

Date and Time: September 11, 2002 from 1:30 p.m. to 2:00 p.m.

Place: Ramada Limited Old Town
Mission Room
3900 Old Town Avenue
San Diego, CA 92110

Purpose: To receive oral comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The public comment period for written comments will close September 3, 2002, at 5:00 p.m. This is to allow time for SPB staff to provide copies of any written comments to the five-member State Personnel Board (Board) for their consideration at the time of the hearing. Any person may submit written comments about the proposed changes at the hearing. To be considered by the Board, written comments must be received to the attention of Carol Ong at the State Personnel Board, 801 Capitol Mall, MS 55, Sacramento, CA 95814, before the close of the written comment period. During the thirty-(30) day written comment period, written comments may also be e-mailed to Carol Ong at cong@spb.ca.gov or faxed to (916) 653-1280.

**AVAILABILITY OF PROPOSED TEXT AND
STATEMENT OF REASONS/
CONTACT PERSONS**

Copies of the express terms of the proposed action, the Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Please contact Carol Ong at (916) 653-1397 or TDD (916) 653-1498 for additional information regarding this action. The backup agency contact for this action is Steve Unger at the State Personnel Board, (916) 651-8461 or TDD (916) 653-1498. Questions regarding the substance of this regulation should be directed to the contact person. Questions regarding the regulatory process in conjunction with this regulation should be directed to the backup contact person.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, SPB will make the full text of the changed regulation available for at least fifteen (15) days before the date the regulation is permanently adopted.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Government Code § 18701 authorizes the Board to prescribe, amend, and repeal regulations for the administration and enforcement of the Civil Service Act (Government Code §§ 18500 et seq.).

Government Code §§ 19600 through 19607 authorize SPB to conduct demonstration projects for a period not to exceed five (5) years, including projects which may consist of methods of: (1) establishing qualification requirements for, recruitment for, and appointment to positions; (2) classifying positions and compensating employees; (3) assigning, reassigning, or promoting employees; (4) disciplining employees; (5) providing incentives to employees, including the provision of group or individual incentive bonuses or pay; (6) establishing hours of work per day or per week; (7) involving employees, labor and employee organizations in personnel decisions; and (8) reducing overall agency staff and grade levels.

Government Code § 19602 also requires publication in the California Regulatory Notice Register, notice of the board meeting or other public hearing at which the proposed adoption of the demonstration project will be considered and acted upon, at least thirty (30) days prior to the meeting or hearing.

Existing Regulations

Article 8, Subchapter 1, Chapter 1, of Division 1 in Title 2 of the California Code of Regulations provides procedures for examinations for civil service positions.

Article 10, Subchapter 1, Chapter 1, of Division 1 in Title 2 of the California Code of Regulations prescribes procedures for certifying and appointing successful examination competitors who are eligible for appointment to vacant civil service positions.

Articles 4 and 5, Subchapter 2, Chapter 1, of Division 1 in Title 2 of the California Code of Regulations provide procedures for employment lists and examinations for classifications designated as CEA.

The proposed regulation establishes a demonstration project for PIA to conduct competitive examinations and make appointments to positions based on a merit process open to all persons meeting specific

minimum qualifications established for individual managerial and supervisory classes, utilizing the CEA selection requirements.

IMPACT ON SMALL BUSINESSES

The proposed regulation will not impact small businesses. The proposed regulation would affect only State agencies and State employees.

LOCAL MANDATE

SPB has determined that the proposed action has no mandate upon local agencies or school districts and, therefore, requires no reimbursement pursuant to Government Code § 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs of Saving to State Agencies

The proposed regulation will streamline the process for specified PIA examinations by combining evaluating and hiring interviews, resulting in potential small, though unquantifiable, savings to the department.

Impact on Housing Costs

The proposal will not affect housing costs.

Costs of Savings in Federal Funding to the State

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

Cost Impact on Representative Private Persons or Businesses

SPB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF POTENTIAL ADVERSE
ECONOMIC IMPACT ON BUSINESS**

SPB has determined that the proposed action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**ASSESSMENT REGARDING THE EFFECT ON
JOBS OR BUSINESSES**

The proposal will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

FINAL STATEMENT OF REASONS

It is anticipated that the rulemaking action will be filed with the Office of Administrative Law pursuant to Government Code § 19602, under which no Final Statement of Reasons is required. If a Final Statement

of Reasons is nevertheless prepared, it may be obtained from the contact person when it becomes available.

ACCESSING INFORMATION REGARDING THIS RULEMAKING FILE ON THE STATE PERSONNEL BOARD WEBSITE

The text of the proposed amendments, the Notice of Proposed Adoption of Regulations and Statement of Reasons, and, if prepared and when available for review, the Final Statement of Reasons, will be on SPB's Web site at www.spb.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Section 4500 of the regulations in Title 3 of the California Code of Regulations pertaining to the Noxious Weed Species.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 16, 2002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

Section 4500 designates those weed species that are noxious weed species. Noxious weed species pose a hazard to agriculture and some native plant species in California, although some have been grown for ornamental purposes. Eleven weed species have been determined to present a serious pest threat and should be added to the list of noxious weed species. The Department proposes to amend Section 4500 to

include the following noxious weed species *Ailanthus altissima* (tree of heaven); *Arundo donax* (giant reed); *Centaurea melitensis* (tocalote); *Cirsium vulgare* (bull thistle); *Cortaderia jubata* (jubata grass); *Senecio mikanioides* (cape ivy); *Spartium junceum* (Spanish broom); and *Tamarisk chinensis*, *T. gallica*, *T. parviflora*, *T. ramosissima* (salt cedar). Plant species that have been designated as noxious weeds may be subject to various restrictions including the statutory provisions for weed-free areas, noxious weed management, and provisions of the California Seed Law. Management or control activities taken against noxious weeds may both protect California's agricultural industry and protect important native plant species. The proposed action does not differ from any existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 4500 does not impose a mandate on local agencies or school districts. The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$464 per year in losses or in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create

new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 4500 pursuant to the authority vested by Sections 407 and 5004 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 4500 to implement, interpret and make specific Section 5004, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Barbara J. Hass, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: bhass@cdfa.ca.gov. In her absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Barbara J. Hass.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on

which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Operator Identification Numbers
DPR Regulation No. 02-005

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend section 6622 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action pertains to operator identification numbers (OINs) issued by county agricultural commissioners (CACs) to an operator of the property.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on September 16, 2002. Comments regarding this proposed action may also be transmitted via e-mail <dpr02005@cdpr.ca.gov> or by facsimile (FAX) transmission at (916) 327-9688.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California's pesticide use reporting program is internationally recognized as the most comprehensive of its kind. DPR annually collects and processes more than 2.5 million records of chemical applications. The Food Safety Act of 1989 (Chapter 1200, AB 2161)

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

gave DPR clear statutory authority to require full reporting of pesticide use. That year DPR adopted regulations (sections 6622–6628), and full use reporting began in 1990. Full use reports include the date and location (section, township, and range) for the application, the pesticide registration number, and amount used. Two new data items—operator and site identification numbers—were added to help determine and calculate the actual percentage of crops treated. This data is useful in making pesticide risk assessments.

Existing section 6622 requires that each year, prior to the purchase and use of any agricultural pesticide, restricted pesticide, industrial or post-harvest commodity treatment pesticide, and any other outdoor institutional or outdoor industrial pesticide listed in 6800(b), every property owner (or operator) must obtain a unique OIN from each county where pest control work will be performed. The OIN is recorded by the CAC on the operator's restricted materials permit or on a form approved by the Director.

DPR proposes to amend section 6622 to allow CACs to issue multiyear OINs as deemed appropriate. Although annual issuance of OINs provides the CAC an opportunity to review the use report regulations and procedures with the operator of the property, in some instances there seems to be very little benefit to the property operator or the CAC. Currently, property owners/operators are made aware of all applicable pesticide laws and regulations through other various means of communication. Property operators attend a variety of meetings throughout the year including commodity group, industry, or University of California Cooperative Extension meetings. In almost all instances, CAC staff is also in attendance. DPR's Web site is another resource providing valuable information.

Additionally, Senate Bill 802 (Chapter 435, Statutes of 1996) amended Food and Agricultural Code section 14007 allowing the issuance of a multiyear permit under certain conditions. In October 2000, DPR amended section 6422 to extend the maximum length of time a permit could be issued from one year to three years for certain situations. As previously mentioned, an OIN is also used as the restricted materials permit number. Since these permits can now be issued for up to three years, there has been little benefit to renewal of the OIN to either the property operator or CAC. Requiring an OIN to be valid for just one year provides an unnecessary burden to the operators of the property and imposes a paperwork burden on CACs. CAC resources spent reissuing OINs could be redirected to other activities as priorities dictate.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

DPR anticipates that there will be no fiscal impact to these agencies because the proposed regulatory action makes changes to existing regulations that are currently enforced by CACs. Since the process would allow CACs to issue OINs for up to a three-year period, in these instances, staff hours spent on issuing annual OINs would redirect to other enforcement activities.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There will be some minor savings to growers and operators, as the time necessary for permit renewals will be reduced.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code sections 12976, 13145, and 14005.

REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections 11501, 14006, and 14011.5.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street
P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Fred Bundock, Program Specialist
(916) 324-4194

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning DPR's pesticide use reporting regulations, may be directed to:

Debra Kloss, Pesticide Use Specialist
Pesticide Enforcement Branch
Department of Pesticide Regulation
(916) 445-3879

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 7. BOARD OF PILOT COMMISSIONERS

NOTICE OF PROPOSED CHANGES

TO IMPLEMENT MONTEREY PILOTAGE AND CLEAN-UP REVIEW OF ALL EXISTING REGULATIONS

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (the "Board") is proposing to take the action described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Board office

located at Pier 9, Suite 102, San Francisco, CA beginning at about 11:00 a.m., immediately following the regular Board meeting on **Thursday, September 19, 2002**. Written comments must be received by the Board at its office no later than 4:30 p.m. on Monday, September 16, 2002, or submitted to the Board at the hearing. Comments may also be sent to the Board by facsimile at (415) 397-9463 or by e-mail to "pilots@earthlink.net".

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested in the Board by Section 1154 of the Harbors and Navigation Code, and to implement, interpret or make specific Sections 1100, 1101, 1110, 1112, 1114, 1114.5, 1125, 1126, 1127, 1128, 1130, 1132, 1133, 1140, 1141, 1150, 1170.3, 1177, 1190.1, and 1192 of said Code, the Board is considering changes to Chapter 2 of Title 7 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board licenses and regulates maritime pilots for the Bays of San Francisco, San Pablo and Suisun and their tributaries. In 2001, Senate Bill 637, authored by State Senator McPherson, was signed into law, amending various provisions of the California Harbors and Navigation Code dealing with pilots regulated by this Board in order to apply those provisions to persons piloting ships into or out of Monterey Bay as well. Beginning in late 2001, the Board's Rules and Regulations Committee held a series of public workshops in the San Francisco Bay Area and in Santa Cruz to develop proposed amendments to its regulations in order to implement SB 637. These workshops were attended by pilots, representatives of the maritime industry, and members of the public.

In addition, the Board through the same committee, using similar public workshops, conducted a comprehensive review of all of the Board's existing regulations to: (1) correct punctuation, grammar and spelling errors, internal inconsistencies, lack of clarity, technical inaccuracies, gender-specific language, or other obvious error or oversight (referred to as "Clean-up Review"); and (2) to determine the continued need of each regulation and whether the regulation resulted in

an unnecessary or greater than necessary fiscal impact on the regulated community (referred to as "Sunset Review").

The "Sunset Review" identified no regulation which was determined to be unnecessary or which resulted in an unnecessary or greater than necessary fiscal impact on the regulated community.

The proposed amendments to existing regulations to implement the Monterey Pilotage legislation and the results of the "Clean-up Review" are summarized below and are based on the Board's experience and the recommendations of the participants in the various workshops.

POLICY STATEMENT OVERVIEW

The **broad objective** of these amendments is to implement the Monterey Pilotage legislation of SB 637—yr 2001 and the results of a clean-up review of all existing regulations.

The **specific objective** is to harmonize each effected Board regulation with the provisions of SB 637, and correct all punctuation, grammar and spelling errors, internal inconsistencies, lack of clarity, technical inaccuracies, gender-specific language and other obvious errors or oversights in current Board regulations.

The Board therefore proposes to adopt the following amendments to its regulations:

Proposed amendments to Board Regulations to incorporate the provisions of the **Monterey Pilotage** legislation (S.B. 637—yr 2001) and the results of a **Clean-Up Review** of all Board regulations:

Proposed additions to existing regulations are underlined, deletions lined out, comments in bold italics. Authority cited and Reference cited remain unchanged from current regulation, unless noted otherwise.

(cu) = *clean-up*

(MB) = *Monterey Bay Pilotage Legislation*

§ 201. Statutory Definitions.

(b) "Board" means Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

(cu - delete comma for internal consistency)

§ 202. Other Definitions.

(d) "Chemical test" means a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.

(cu - delete comma for internal consistency)

(e) "Conflict of interest code" means those provisions in Section 222 of these regulations which define conflicts of interest for licensees of the Board.

(cu - to differentiate from the Board's COIC - § 212.5)

(f) “Conflict of interest code of the Board” means those provisions in Section 212.5 which define conflicts of interest for designated employees of the Board.

(cu - to differentiate from the “Conflict of Interest Code” applicable to licensees - § 222)

[re-letter remaining definitions]

~~(k)~~(l) “Medical Review Officer” means an individual designated to carry out the duties specified in Title 46, Code of Federal Regulations, Section 16.370 on behalf of the pilots, inland pilots or pilot trainees.

(cu - insert commas)

(m) “Monterey Bay” means all the waters of that bay and of the tributaries, ports and harbors of that bay.

(MB - implementing S.B. 637)

~~(m)~~(o) “Pilot Evaluation Committee” means the committee appointed by the Board pursuant to the authority contained in Section 1171.5(d) of the Code 209.

(cu - refer to Board regulation for internal consistency)

~~(n)~~(p) “Pilot trainee” or “trainee” means a person who is training as a pilot in the pilot trainee training program established by the Board pursuant to Section 214.

(cu - refer to Board regulation for internal consistency)

(q) “Pilotage grounds” means all waters extending eastward from the precautionary area surrounding buoy SF to, and including, the Bays of San Francisco, San Pablo and Suisun, and also includes the waters of Monterey Bay, eastward of a straight line drawn between Point Santa Cruz Light and Point Pinos Light.

(MB - implementing S.B. 637 and changes to Section 219)

~~(o)~~(r) “Port Agent” means the individual identified in Section 218 of these regulations.

(cu - for internal consistency)

~~(q)~~(t) “Training program” or “program” means the standards and procedures for training pilots, inland pilots and pilot trainees adopted and from time to time amended or modified by the Board, pursuant to the authority contained in Sections 1171.5(e) of the Code 214 and 215, for the purpose of training pilots, inland pilots and pilot trainees.

(cu - for internal consistency and clarity)

Reference cited: Add “Section 1114.5, Harbors and Navigation Code”

§ 203. Meetings.

(e) All meetings shall be conducted in accordance with the requirements of ~~Chapter 1~~ Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

(cu - for technical accuracy and consistency with HNC § 1153)

§ 204. Quorum.

A “quorum” of the Board shall consist of four members. The Board shall not transact any business until a quorum is present and announced. In the absence of the President and Vice President, the quorum shall select a presiding officer for the meeting from among those members present.

(cu - to differentiate from a quorum of a committee. See § 208(c))

§ 208. Board Advisory Committees.

(a) The President, or in his or her absences, the Vice President or other presiding officer, may appoint advisory committees of the Board when he or she or the Board considers the appointment of advisory committees desirable or necessary to assist the Board in the performance of its functions. The ~~President or in his absence the Vice President or other presiding officer,~~ presiding officer shall designate the chairman and the members for each advisory committee appointed.

(cu - to resolve gender-specific language and simplify)

§ 209. Pilot Evaluation Committee.

(a) The Board shall establish a Pilot Evaluation Committee consisting of five active pilots each of whom have at least ten years’ experience as a pilot on the Bays of San Francisco, San Pablo, and Suisun. The Board shall select the members of the Pilot Evaluation Committee. A member of the Pilot Evaluation Committee shall not serve more than two four-year terms.

(b) The Pilot Evaluation Committee shall meet on such dates and at such times and places as it considers necessary to carry out its functions. The committee, through its chairman, shall report on the committee’s activities at each regular meeting of the Board.

(cu - for internal consistency and to resolve gender-specific language)

§ 210. Incident Review Committee.

(a) The President shall appoint an Incident Review Committee with the responsibility of investigating and reporting to the Board ~~regarding any all reports of misconduct or navigational incidents reported to the Board~~ involving a vessel piloted by a pilot or inland pilot licensed by the Board, or any other matter for

which a pilot's or inland pilot's license may be revoked or suspended pursuant to these regulations, including a possible conflict of interest as set forth in Section 222 of these regulations, or regarding reports of suspected pilot ladder or pilot hoist safety violations. The Incident Review Committee shall be composed of one public member of the Board and the Executive Director. This subsection does not apply to an incident involving a pilot or inland pilot aboard a vessel of less than 300 gross tons unless a pilot or inland pilot is required by law.

(cu - to harmonize with language in HNC § 1180.3(a) and incorporate jurisdictional limitation imposed by S.B. 2144 [Stats. 2000 c. 394])

(c) [Delete unnecessary commas after "misconduct" in (c)(5) and (c)(8)]

(cu - for internal consistency)

(e) (11) Any other mitigating or aggravating circumstances deemed pertinent by the Incident Review Committee.

(cu - for clarity and internal consistency)

(1) The Executive Director shall maintain a suspense file to ensure all training, practice trips, or other corrective action required to be performed by a stipulated resolution to an incident, misconduct, or other ~~manner matter~~ are completed as required. The Executive Director shall report to the Board each month on the progress of any ongoing training, practice trips or other corrective action.

(cu - correct punctuation and spelling errors)

§ 211. Executive Director.

(b) The Executive Director shall not, during the term of his or her office, serve as a member of the Board, nor as a pilot or inland pilot ~~not~~ nor be otherwise concurrently employed in the maritime industry.

(cu - correct spelling error)

§ 213. Pilot Trainees.

(b) It is Board policy, through an effective selection process, to provide opportunity for progressive development and advancement of qualified maritime personnel to State licensed pilots in accordance with statutory ~~manpower~~ requirements.

(cu - delete unnecessary gender-specific language)

(c) State licensed pilots hold key positions in the safe passage of shipborne commerce ~~in the San Francisco Bay Area~~ in the waters under the Board's jurisdiction. They must exemplify the highest standards of leadership, professionalism, and personal integrity. Mariners selected for the training program must demonstrate that they are fully capable of meeting demands of accountability and responsibility

associated with such positions. The vital role of appropriately trained pilots in safety of navigation upon ~~the bays~~ these waters cannot be overemphasized.

(MB - to reflect changes in the Board's jurisdiction adopted in S.B. 637)

[Correct subdivision designations:

From § 213(e)(3)a to § 213(e)(3)(A), and from § 213(f)(1)• to § 213(f)(1)(A). (Similar corrections for subdivisions under § 213(e)(4); § 213(f)(2) and (3); and § 213(h)(3).]

(cu - for internal consistency)

(j) The Executive Director will review or cause to be reviewed all applications to determine that the applicant meets all minimum qualifications and to assess experience points. Each applicant will be informed of the results of that review.

(cu - correct obvious error)

(1) A Selection Appeal Committee shall be appointed for each pilot trainee selection and shall be made up of three Board members. The committee shall be made up of one industry, one pilot and one public member. If no members from a particular category are available to act on an appeal, then the committee shall be made up from the remaining categories.

(cu - correct spelling and grammatical errors)

Reference Cited: Add "Section 1101, Harbors and Navigation Code"

§ 214. Pilot Trainee Training Program

(c) The training program for each pilot trainee shall consist of a minimum of one year and a maximum of three years of training. The program may include classroom training and training provided by outside contractors and shall include assignments to ride as an observer on tugs engaged in ship assist work. In addition, the program shall include a minimum of 300 trips; while under the direct supervision of a pilot or inland pilot, riding as observer or maneuvering vessels of various sizes and classes on the Bays of San Francisco, San Pablo, and Suisun. A minimum of 50 trips shall be with members of the Pilot Evaluation Committee and at least 10 of those trips shall be within the last three months before the committee recommendation that the trainee be issued a certificate of completion. Pilot trainee assignments shall be under the general supervision of the Pilot Evaluation Committee and may be made by the Port Agent, operations pilot his or her designee, or a member of the Pilot Evaluation Committee.

(cu - correct obvious punctuation error and for internal consistency)

(e) A pilot or inland pilot supervising a pilot trainee shall prepare an evaluation report on the performance of the pilot trainee to the Pilot Evaluation Committee

at the times and in the manner prescribed by the Committee. ~~The chairman of the Committee shall report to the Board on the performance of the pilot trainee at the Board's next regular meeting following receipt of the pilot's evaluation report.~~

(cu - delete unnecessary surplusage; reporting requirements for the Pilot Evaluation Committee and the frequency of reviewing a trainee's progress are already addressed in Section 209)

(f) *[re causes for dismissal of trainee]*

(6) was intoxicated or under the influence of a substance which appreciably impaired his or her ability to conduct the duties of a pilot trainee while on duty as a trainee; or

(7) failed to meet the conditions of probation within the period prescribed, if placed on probation under subsection 214(g) of Section 214; or

(8) ~~failed a chemical test for dangerous drugs, as defined in Section 202 of this Chapter.~~

(cu - correct obvious error and misplacement of the word "or"; correct typo; delete extraneous language and for internal consistency)

(h) *[re conditions for completing training program]*

(3) Has adequately demonstrated:

i. local knowledge for ~~all waters subject to the Board's jurisdiction~~ the Bays of San Francisco, San Pablo and Suisun including:

(MB - while the Board's jurisdiction has been expanded by S.B. 637 to include Monterey Bay, in view of the limited number of vessels that are expected to require a pilot for Monterey Bay, it has not been suggested that the Board train all pilot trainees for those waters. Accordingly, the proposed amendment is necessary.)

vi. appropriate and timely use of bridge equipment, including shipboard navigational and collision-avoidance aids, and knowledge of their capabilities and limitations.

(cu - to correct to proper terminology)

vii. familiarity with maneuvering characteristics of all types of ships that routinely enter the ~~piloting area~~ pilotage grounds, including knowledge of capabilities and limitations of typical propulsion and steering systems on board such vessels;

(cu - to use term defined in the Code (HNC § 1114.5) and Section 202 of the regulations in lieu of an undefined term)

[Change subdivision designations from § 214(h)(3)(i)(A) to § 214(h)(3)(A)(i) et seq. for internal consistency.]

Reference Cited: Add "Section 1114.5, Harbors and Navigation Code"

§ 215. Pilot and Inland Pilot Training.

(c) The Executive Director shall prepare and maintain a list naming each pilot and inland pilot who is to attend the required training courses during the following twelve months, and the dates of such attendance. The list shall be provided to the Pilot Evaluation Committee Port Agent monthly, who shall notify the pilots and inland pilots on the list, and shall be provided to each inland pilot by the Executive Director.

(cu - to be consistent with the long standing practice)

§ 216. Issuance of Licenses.

(a) An application for a pilot license as a pilot or for the renewal of a pilot license or an inland pilot license shall be signed by the applicant and presented to the Administrative Assistant/Secretary.

(cu - for internal consistency and to correct obvious oversight; see HNC §§ 1141(a) and 1142(a))

(d) *[delete comma after 2nd reference to "San Pablo" for internal consistency]*

§ 217. Medical Examination.

(a)(1) *[last sentence]. . .* The Board shall maintain a list of ~~at least five~~ physicians, licensed by the State of California, who have agreed to perform the examinations required by these regulations.

(cu - consistent with current practice and experience, the actual number of physicians on the list may vary from time to time and what number is adequate or appropriate may also vary depending on their availability, location and other factors. Accordingly, the Board proposes to delete any reference to a specific number.)

(d) *[delete "s" from "pilot's" in 2nd to last sentence and add "s" to "pilot" in last sentence.]*

(cu - to correct obvious error)

§ 218. Duties of Port Agent.

(a) ~~The A~~ majority of all of the pilots licensed by the Board shall select from among their members one person to act as Port Agent, whose duties shall be to carry out the orders of the Board, under applicable laws, and to otherwise administer the affairs of the pilots as set forth herein. The selection of the Port Agent shall be subject to confirmation by the Board.

(MB/cu - to conform to language adopted in S.B. 637, which amended HNC § 1130 to the same effect; capitalize "Port Agent" throughout for internal consistency; and delete extraneous comma).

(c) The Port Agent shall:

(cu - to clarify what is implicit but not stated in the current regulation)

[Change current subdivision designations from § 218(c)(1) to § 218(c)(1)(A)(i) et seq. as follows:]

(1) Assign Pilots to Vessels.

(A) When assigning pilots licensed by the Board 12 months or less, a supervisory pilot shall also be assigned for the following vessels:

(i) all passenger vessels

[etc]

(B) When assigning pilots licensed by the Board 18 months or less, a supervisory pilot shall also be assigned for the following vessels:

(i) all passenger vessels

[etc]

(C) When assigning pilots licensed by the Board 24 months or less, a supervisory pilot shall also be assigned for the following vessels:

(i) all passenger vessels

[etc]

(D) For purposes of this subsection, the Port Agent may permit the supervisory pilot to board inbound vessels and disembark from outbound vessels in central San Francisco Bay.

(E) The Port Agent may deviate from the requirements of this subsection to assign a supervisory pilot whenever, in his or her judgment, the safety of persons and property and the protection of the marine environment would be better served by such deviation, and shall promptly report such deviation and the reasons therefor to the Board's Executive Director.

(cu - for internal consistency)

(F) When assigning pilots to vessels transiting Monterey Bay, the Port Agent shall assign only those pilots holding current pilotage endorsements for Monterey Bay.

(MB - to implement S.B. 637).

(g) [Capitalize "Section" in 2nd line—and insert comma after "vessel" in 2nd to last line]

(cu - for internal consistency and to correct punctuation error)

Reference Cited: Add "Section 1177(c), Harbors and Navigation Code"

§ 219. Duties of Pilots and Inland Pilots.

(a) Each pilot and inland pilot, either in person or in the case of a pilot, through the Port Agent, shall bill and use all legal means to collect from. . .

(cu - to correct punctuation error and capitalize "Port Agent")

(g) [Insert "the" before "Board's designated representative," in 2nd sentence. Capitalize "Port Agent" throughout.]

(cu - to correct obvious error and for internal consistency)

(h) [Change "219" in last sentence to "221"]

(cu - to correct reference)

(j) [Change "hull and apparel" in last sentence to "hull and equipment."]

(cu - "apparel" is an antiquated term and no longer commonly used)

Add at end of § 219(j): This subsection shall not be construed to require the use of a pilot boat in order to provide pilotage services for Monterey Bay.

(MB - to implement S.B. 637)

(m) [Insert "an" before "inland pilot"]

(cu - to correct grammatical error)

(n) A pilot and an inland pilot shall obey all regulations of the Board adopted for the government of pilots.

(cu - to remove unnecessary and potentially confusing language)

(t) A pilot and an inland pilot shall not, through ignorance, willfulness or neglect, run a vessel on shore, ~~cause a vessel to become exposed to liability or otherwise render a vessel liable for damage to persons, property or the marine environment during the performance of his or her duties as a pilot or inland pilot.~~

(cu - proposed modification is the language from HNC § 1181; existing language attempted to interpret that language but may have unnecessarily narrowed it)

(v) While engaged in any ~~pilot or inland pilot~~ piloting activity, a pilot ~~or~~ and an inland pilot shall obey all applicable laws and conduct himself or herself so as not to cause injury or damage to persons, property or the marine environment.

(cu - to simplify terms and correct obvious error)

(w) Upon being directed by the Port Agent, ~~or, in the case of an inland pilot, the Executive Director,~~ to obtain drug ~~and or~~ alcohol testing pursuant to the requirements of Section 218 of the Board's Regulations, a ~~the~~ pilot ~~or inland pilot~~ shall expeditiously proceed, piloting duties and safety permitting, to an appropriate facility used by the pilots for drug ~~and or~~ alcohol testing and meeting U.S. Coast Guard requirements (currently at Title 46, Code of Regulations, Sections 16.301 and 16.340), and shall obtain such drug ~~and or~~ alcohol testing, as directed. An unreasonable failure by a pilot ~~or inland pilot~~ to obtain drug ~~and or~~ alcohol testing as directed shall result in a rebuttable presumption that the pilot or ~~inland pilot~~ had been impaired by drug or alcohol while on duty in violation of Harbors and Navigation Code Section 1181(f).

(cu - to correct obvious error, and to correct oversight by providing comparable provisions for inland pilot)

Reference Cited: Add "Section 1141(d), Harbors and Navigation Code"

§ 220. Duties of Pilot Trainees.

(a) A pilot trainee shall obey all regulations of the Board adopted for the government of pilot trainees.

(cu - delete unnecessary and potentially confusing language)

(b) A pilot trainee absent from his or her duties without permission is liable to suspension and forfeiture of ~~compensation~~ stipend, if any, for the period of absence.

(cu - for internal consistency - see § 214(d))

(f) A pilot trainee shall obey all lawful instructions ~~or and~~ directives given to him or her, or to pilot trainees in general, by the Pilot Evaluation Committee or by any member of such Committee, ~~or by the Port Agent or his or her designee.~~

(cu - for internal consistency - see § 214(c))

(h) A pilot trainee shall only train on vessels assigned to him or her by the Port Agent, his or her designee ~~or by a member of the Pilot Evaluation Committee.~~

(cu - for internal consistency - see § 214(c))

(k) Any pilot trainee who fails a chemical test for dangerous drugs, as defined in Section 202 of this Chapter, shall be immediately suspended from further training and, if, after a hearing held pursuant to Section 214 ((f) of this Chapter subsection (f) of Section 214, the Board determines that the trainee failed a chemical test for dangerous drugs, the trainee shall be dismissed from the training program.

(cu - to correct obvious errors and for internal consistency)

§ 221. Charges and Proceedings Concerning Licenses.

~~(a) When the Incident Review Committee, appointed under Section 210 of these regulations, finds reasonable cause to believe that a violation of the Code or the regulations issued by the Board has occurred which warrants action being taken against a pilot's or inland pilot's license, including revocation, outright suspension or suspension on probationary restriction, an accusation shall be served on the pilot or inland pilot believed to be responsible for the violation.~~

(a) When an accusation recommending the suspension or revocation of a pilot's or inland pilot's license has been filed with the Board pursuant to subsection (d) of Section 210, the accusation shall be served on

the pilot or inland pilot in accordance with Section 11505 of the Government Code. [2d and 3d sentences in existing subsection (a) remain unchanged.]

(cu - for internal consistency and to simplify)

(b) If the Board finds reasonable cause to believe that the public interest requires that the license of a pilot or inland pilot be summarily suspended pending a hearing on charges of violating the Code or the regulations issued by the Board or other misconduct, the Board may, without a hearing, temporarily suspend the license of the pilot or inland pilot involved for a period not exceeding 40 days pending a hearing and decision on the charges. . .

(cu - for internal consistency and to include term used in HNC § 1181 on same subject)

§ 222. Conflicts of Interest.

(a) It is recognized that a pilot may acquire or have access to information, before it is available to others, about the movement of vessels. A pilot has a duty not to utilize such information for financial gain or to provide such information to others who may benefit or otherwise profit from obtaining such information before it is generally available to the public.

(b) To assure that commerce is not disrupted and that fair competition is maintained among tugboat operators and others who provide vessel assistance services in on Monterey Bay or on the Bays of San Francisco, San Pablo, and or Suisun,

~~(1) (A) a pilot shall not have any interest in, or derive any income from, any tugboat in operation on Monterey Bay or on the Bays of San Francisco, San Pablo, and or Suisun.~~

(b)(c) Nothing contained in subsection (a) (b) of this section shall prohibit ownership, directly or indirectly, of stock in any corporation registered on a national securities exchange, pursuant to Section 78f of Title 15 of the United States Code, even though the corporation may own tugboats in operation on the Bays of San Francisco, San Pablo, and or Suisun the waters subject to the Board's jurisdiction.

(MB/cu - to implement S.B. 637 and to improve organization by separating different types of conflict into distinct subsections and deleting the single sub-subsection as there are no other items in this category; and to simplify.)

~~(d) When the Board finds reasonable cause to believe that a violation of this section has occurred warranting action being taken against a pilot's license, including revocation, outright suspension or suspension on probationary restriction, it shall cause an accusation to be served on the pilot believed to be in violation. A hearing shall be conducted on the accusation in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1~~

of Division 3 of Title 2 of the Government Code to determine if cause exists to take action against the license of a pilot who is the subject of the accusation. At such a hearing, the Board shall have all the powers granted therein by the Code.

(cu - this subsection predates the formation of the Incident Review Committee (IRC), is inconsistent with § 210(a), which expressly delegates the duty to investigate such conflict of interest code violations to the IRC, and is superfluous to the provisions of § 221 which deal with hearings following the filing of an accusation. Accordingly, the Board proposes to delete this subsection in its entirety.)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board does not expect that the adoption of these proposed amendments will result in any significant new costs or savings to the Board or to any other state or public agency, nor would it result in any costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Other than the Board's determination, no studies or data were relied upon in making the above determination.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments would not affect small businesses since

the parties involved do not fall within the definition of small business per Government Code Section 11342.610(c)(7).

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments relevant to the above determinations orally at the above-mentioned hearing or in writing during the public comment period set forth in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's Executive Director, Captain Patrick A. Moloney at Pier 9, Suite 102, San Francisco, California 94111.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection at the Board office at Pier 9, Suite 102, San Francisco, CA.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Captain Patrick A. Moloney at the above address or at (415) 397-2253.

The backup contact person is Alice Evans (415) 397-2253. The person designated to respond to questions on the substance of the regulatory proposal is Captain Patrick A. Moloney.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **September 19, 2002** at 11:00 a.m. in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **September 19, 2002** following the Public Meeting in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 and Title 24 of the California Code of Regulations.

BUSINESS MEETING: On **September 19, 2002** following the Public Hearing in the Auditorium of the Harris State Building, 1515 Clay Street, Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1,

142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on September 19, 2002.

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 13, Section 3441(a)
Operation of Agricultural Equipment
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 109, Sections 5161 and 5164(a), (b), (c), and (d)
Storage of Hazardous Substances

A description of the proposed changes are as follows:

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 13, Section 3441(a)
Operation of Agricultural Equipment

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is the result of Occupational Safety and Health Standards Board (Board) staff review of a Decision by the Occupational Safety and Health Appeals Board (Appeals Board) in the matter of Herrera Packing Co., Inc., Appeals Board Docket No. 99-R4D5-916. In the matter of this appeal, the Administrative Law Judge determined that the provisions contained in GISO Section 3441(a) oblige the employer to provide instructions for the safe operation of agricultural equipment. However, the regulation does not address the employer's obligation to enforce those instructions and operating rules. This rulemaking action makes amendments for clarity to ensure that the instructions and operating rules for the safe operation of agricultural equipment provided in Section 3441(a) are enforceable.

This proposed rulemaking action also contains editorial and formatting revisions. These non-substantive revisions are not discussed in this informative digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. The following actions are proposed:

Section 3441. Operation of Agricultural Equipment.

Subsection (a) Operating Instructions.

Existing Section 3441(a) requires that the agricultural employer instruct every employee in the safe operation and servicing of all equipment to include at least the provisions contained in Section 3441(a)(1) through (a)(5). An amendment is proposed to the title of subsection (a) to add the term “and safe work practices” to clarify the content of subsection (a). Amendments are also proposed to divide subsection (a) into two subsections, (a)(1) and (a)(2), with language proposed for new subsection (a)(2) that will ensure the employer’s instructions with respect to safe work practices and operating rules are enforced by the employer. Further, existing subsection (a)(3), proposed as subsection (a)(2)(C), requires the employer to “instruct employees” in the steps and procedures necessary to safely service or maintain equipment. A proposed amendment deletes the reference to employer instruction and adds language to require that all steps and procedures “shall be taken” to safely service or maintain equipment. The amendments are for clarification with respect to the employer responsibilities as noted above and will have no effect upon the regulated public.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention

of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7

Article 109, Sections 5161 and 5164(a), (b), (c), and (d)

Storage of Hazardous Substances

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On September 28, 2000, a Cal/OSHA Form 9, Request for New, or Change in Existing, Safety Order, was submitted to the Division of Occupational Safety and Health (Division) Research and Standards Development Unit requesting amendments to the definition of hazardous substances and the storage requirements for hazardous or potentially hazardous materials contained in Sections 5161 and 5164 of the General Industry Safety Orders. This request was made in response to citations and appeals hearings involving the incompatible storage of hazardous substances, and the related existing Title 8 requirements that were found to be inadequate and/or unclear by compliance personnel and the regulated public.

This proposed rulemaking action contains minor non-substantive, editorial and grammatical revisions that are not all discussed in this Informative Digest. However, these revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Section 5161. Definitions.

Section 5161 contains the definitions applicable to Article 109, Hazardous Substances and Processes. Section 5161 defines hazardous substances as "A substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant; or otherwise harmful is likely to cause injury. An additional definition, for Hazard Communication purposes only, will be found at section 5194(c)."

Revisions are proposed to add the terms "material, or mixture" after the phrase "A substance" to clarify that something other than a substance, which has a specific chemical meaning, can be hazardous, and add "or illness" at the end of the first sentence to clarify that hazardous substances may also cause illness.

It is also proposed to add the sentence "Hazardous substance includes hazardous waste as defined in section 5192(a)(3)" in order to clarify that hazardous waste is also considered a hazardous substance and must be stored accordingly. In addition, it is proposed to revise the last sentence to read, "Additional

definitions are found in sections 5194(c), for Hazard Communication purposes only, and 5192(a)(3), for Hazardous Waste Operations purposes only." This revision will clarify that a third definition of hazardous substance exists in section 5192 which is specific to "Hazardous Waste Operations and Emergency Response."

The proposed revisions are necessary to emphasize to employers that "hazardous substances" include hazardous waste and other materials, or mixtures of materials, that if improperly stored could jeopardize the health and safety of employees.

Section 5164. Storage of Hazardous Substances.

Section 5164 outlines the storage requirements for hazardous substances. Subsection (a) further describes hazardous substances and states that such substances are to be separated from each other in storage by distance, by partitions, or otherwise, so as to preclude accidental contact between them. A note to this subsection provides typical examples of incompatible substances.

A revision is proposed to make two sentences out of existing subsection (a): one describing a hazardous substance, adding the requirement that such substances be evaluated before storing; and the other addressing how "incompatible substances" are to be separated when stored, adding dikes, berms, and secondary containment as separation options. The proposed revision will require the employer to evaluate the potential hazard of substances prior to storage and provide additional separation options for storage purposes.

Existing subsection (b) requires hazardous substances be stored in containers which are chemically inert to and appropriate for the type and quantity of the hazardous substance. A revision is proposed to add the phrase "such as those approved by the U.S. Department of Transportation (DOT)" to describe the types of containers that may be used to store hazardous substances. The proposed revision provides an example of what types of containers are considered adequate for the safe storage of hazardous materials.

Existing subsection (c) requires that containers of hazardous substances shall not be stored in such locations or manner as to result in damage to the container, and that containers are not to be stored where they are exposed to heat sufficient to rupture the container or cause leakage. A revision is proposed to the first sentence of this subsection which will clarify that containers of hazardous substances are not to be stored in such locations or manner as to result in "physical" damage to "or deterioration of" the container. The proposed revision will clarify the types

of damage to containers that an employer must prevent when considering how and where to store containers of hazardous substances.

Existing subsection (d) requires that containers used to package a substance which gives off toxic, asphyxiant, suffocant, or anesthetic fumes in hazardous amounts (e.g., fuming sulfuric acid, hydrofluoric acid, compressed or liquefied toxic gases) are not to be stored in locations where it could be reasonably anticipated that employees would be exposed. It is also stated that this requirement does not apply to small quantities of such materials kept in closed containers, or to tank cars or trucks. A revision is proposed to include "gases, or vapors", along with anesthetic fumes, to the list of emissions that can be given off from a substance in hazardous amounts; and "poisonous" and "corrosive" to the description of the types of fumes, gases, or vapors which pose a hazard. It is also proposed to add the terms "nitrous oxide, chlorine, or other" to the examples of compressed or liquefied gases provided in this subsection. The proposed revisions will increase the employer's awareness of the types of substances which emit hazardous airborne contaminants, and that these contaminants may be in the form of gases or vapors which could also be corrosive or poisonous.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the

State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than September 13, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on September 19, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the

Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**STATE OF CALIFORNIA
45 Fremont Street
San Francisco, California 94105**

**NOTICE OF PROPOSED ACTION AND NOTICE
OF PUBLIC HEARING
REGARDING PRIVATE PASSENGER
AUTOMOBILE RATES FOR THE CALIFORNIA
AUTOMOBILE ASSIGNED RISK PLAN**

**RH02021255
July 18, 2002**

SUBJECT OF HEARING

The California Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP") to increase private passenger automobile rates referenced in California Code of Regulations, Title 10, Section 2498.5.

AUTHORITY TO ADOPT RATES

The Commissioner will consider the proposed rates pursuant to the authority vested in him by California Insurance Code Sections 11620 and 11624. Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

September 19, 2002—10:30 a.m.
Hiram Johnson Building
455 Golden Gate Ave
Hearing Room 9
San Francisco, CA 94102

INFORMATIVE DIGEST

Pursuant to California Insurance Code Sections 11620 and 11624, the Commissioner approves rates to be charged to those obtaining coverage through the California Automobile Assigned Risk Plan (CAARP). California Code of Regulations, Title 10, Section 2498.5 references the simplified manual of rules and rates, which is approved by the Commissioner but not printed in full in the California Code of Regulations. CAARP has proposed an overall average **40.4 percent rate increase** for private passenger automobile insurance coverages. The proposed changes are shown on the attached page entitled "Summary of Rate Level Indications". Further details appear in the application on file with the Commissioner, which is available for review, as set forth below.

TEXT OF RATE APPLICATION AND INITIAL STATEMENT OF REASONS

The Insurance Commissioner has prepared an initial statement of reasons for the proposed rate change, in addition to the informative digest included in this notice. Upon written request, the initial statement of reasons will be made available for inspection or copying. Written requests for the statement of reasons, or specific questions regarding this proceeding, should be directed to the contact person for these hearings (listed below).

The file for this proceeding is available for inspection **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS: CONTACT PERSON

All persons are invited to submit written comments to the Commissioner prior to the public comment deadline. Comments should be addressed to the following contact person:

California Department of Insurance
Attention: Michael Riordan
45 Fremont Street, 21st Floor
San Francisco, CA 94105
(415) 538-4112
or

California Department of Insurance
Attention: Elizabeth Mohr
45 Fremont Street 21st Floor
San Francisco, CA 94105
(415) 538-4112

Any interested person may present oral and/or written testimony at the public hearing. Written comments transmitted via facsimile machine will be accepted and considered. The facsimile number is (415) 904-5490. Written comments may also be submitted by e-mail to riordanm@insurance.ca.gov.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall Suite, 1700
Sacramento, CA 95814
(916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information please contact the Office of the Public Advisor.

DEADLINE FOR WRITTEN COMMENTS

Written comments on the proposed new rates must be **received** at the San Francisco office of the Commissioner by 5:00 p.m. on the date of the hearing. Late submissions will not be considered.

ALTERNATIVES

The Commissioner must determine that no alternative considered by the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

COST OR SAVINGS AND MANDATE ON AGENCIES OR SCHOOL DISTRICTS

The Commissioner has determined that the proposal does not impose a mandate on local agencies or school districts. The proposal will not result in any cost or in significant savings to state agencies, or in costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the

Government Code would require reimbursement, or in other nondiscretionary costs or savings imposed on local agencies.

IMPACT ON HOUSING COSTS

The action proposed herein will not affect housing costs.

IMPACT ON BUSINESSES, COMPETITION OR COMPETITIVENESS

Because the proposal involves a rate change for private passenger automobile rates, the proposal will not have a significant adverse impact on business, or on small business, including the ability of California businesses to compete with businesses in other states. The proposal will not have an adverse impact on competition or competitiveness. The proposal will not negatively affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has determined that the proposal will not impact businesses but will impact private persons directly affected.

FEDERAL FUNDING TO THE STATE

The proposal will not affect federal funding.

NON-DISCRETIONARY COSTS OR SAVING

The proposal will not impose any non-discretionary cost or savings on local agencies.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of the proposal would not mandate the use of specific technologies or equipment.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

AUTOMATIC MAILING

A copy of this notice is being sent to all persons on the Insurance Commissioner's mailing list.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments only in writing relevant to the action proposed.

Written comments must be received by the Board of Pharmacy at its office not later than 5 p.m. on Monday, September 16, 2002. Comments may be submitted by facsimile at (916) 327-6308. Comments may be submitted by email to Paul_Riches@dca.ca.gov. Comments may be submitted by mail to:

Board of Pharmacy
Attn: Paul Riches
400 R Street, Suite 4070
Sacramento, CA 95814

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 5 p.m. on Tuesday, September 3, 2002.

The Board of Pharmacy upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005 of the Business and Professions Code, and to implement, interpret or make specific Section 4005 and 4301 of the Business and Professions Code and Sections 11055, 11153, 11154, 11164, 11166, and 11200 of the Health and Safety Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1717 (e) Delivery of Medication

Existing regulation (section 1717 (e)) requires patients to be physically present when a prescription is delivered to a physician's office, clinic, or hospital. The proposed amendment to this section would permit pharmacies to deliver dispensed prescriptions to these same locations for pickup by the patient at a later time if the patient receives care at the location. The proposed amendment to this section would permit pharmacies to deliver dispensed prescriptions to these same locations for pickup by the patient at a later time if the patient receives care at the location.

This practice will greatly ease the delivery of medications to hard to serve populations (most notably the homeless) who do not reside in a community with ready access to a pharmacy. Permitting the delivery of

dispensed prescriptions to locations where the patient receives care provides reasonable security for the drugs and assures the oversight of the drugs by a licensed healthcare professional who is familiar with the patient.

Amend Section 1745 Partial Filling of Schedule II Controlled Substance Prescriptions

Existing law (Health and Safety Code 11166) specifies that a Schedule II controlled substance prescription must be filled within 14 days. This time period was extended from 7 to 14 days by Chapter 878, Statutes of 1998. Existing board regulations specify that a Schedule II controlled substance prescription may be partially filled if the prescription is provided to the pharmacy and partially filled within 7 days of issuance based on the prior time restriction for filling a Schedule II controlled substance prescription. The proposed amendment to this section would conform the time period for the filling of a Schedule II controlled substance prescription to the underlying statute.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Significant Adverse Economic Impact on Business: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse impact on housing costs.

EFFECT ON SMALL BUSINESSES

The Board of Pharmacy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared the initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814 and at the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

FINAL STATEMENT OF REASONS

The Board of Pharmacy will prepare a final statement of the reasons for the proposed action and a copy of this will be available upon request from the board or from the board's website <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Board of Pharmacy at the address mentioned above.

CONTACT PERSON

Inquiries regarding the substance of the proposed action may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016 (Paul_Riches@dca.ca.gov). Inquiries regarding notices for this or other rulemaking proposals may be addressed to Candy Place at the above address or at (916) 445-5014 ext. 4006. Inquiries regarding notices for this or other rulemaking proposals may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 5 p.m. on September 3, 2002 (30 days after the publication of the notice).

Written comments must be received by the Board of Pharmacy at its office no later than 5:00 p.m. on September 16, 2002. Comments may also be faxed to (916) 327-6308 or emailed to Anne_Sodergren@dca.ca.gov.

The Board of Pharmacy upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005 of the Business and Professions Code and Section 2 of Chapter 677, Statutes of 2000, and to implement, interpret or make specific Sections 4200 of said Code, the California Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Foreign Pharmacy Education

Section 4200 (a)(3) of the Business and Professions Code requires that an applicant must complete at least 150 semester units of collegiate study in the United States, or the equivalent thereof in a foreign county. Section 4005 of the Business and Professions Code permits the board to adopt regulations "as may be necessary for the protection of the public."

The proposed amendment to Title 16, Section 1720.1 creates (b) which would allow the board to accept a review of foreign transcripts by a foreign credential evaluation service as a way to ensure that a foreign educated applicant's collegiate study satisfies the education requirement of Section 4200(a)(3) of the Business and Professions Code.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy estimates the potential cost impact of the proposed regulations on private persons or entities to be \$200 per foreign educated pharmacist applicant in one-time costs to obtain the evaluation.

Effect on Housing Costs: The board has made an initial determination that the proposed regulation will not effect housing costs.

SMALL BUSINESS DETERMINATION

The Board of Pharmacy has determined that the proposed regulations would not affect small businesses. This regulation will only affect foreign educated applicants who are experiencing difficulties obtaining educational documentation from their university.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Board of Pharmacy at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Anne Sodergren at the above address or at (916) 445-5014 ext. 4054.

The backup contact person is Paul Riches (916) 445-5014 ext. 4016. The person designated to respond to questions on the substance of the regulatory proposal is Anne Sodergren (916) 445-5014 ext. 4054.

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.pharmacy.ca.gov>.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

TITLE 22

45-DAY PUBLIC NOTICE AND COMMENT PERIOD MANIFEST DISCREPANCIES

Department Reference Number: R- 01-13

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, sections 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, and the Appendix to division 4.5, chapter, 12, article 7. The proposed regulations would impose new requirements for reporting hazardous waste manifest discrepancies involving wastes that hold potential for uses as weapons of terror. The proposal affects hazardous waste treatment, storage, and disposal facilities (TSDFs).

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on **September 16, 2002** in

the **Sierra Hearing Room**, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on **September 16, 2002** will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 25150, 25159, 25159.5, and 58012. These sections grant DTSC authority to adopt standards governing the management of hazardous wastes.

These regulations implement, interpret, or make specific the following:

Health and Safety Code section 25150, which authorizes DTSC to adopt and revise, when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to public health, domestic livestock, wildlife, or the environment.

These regulations are based on, but are not identical to, the following federal regulations:

40 Code of Federal Regulations sections 264.72 and 265.72

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations, title 22, sections 66264.72 and 66265.72 require owners or operators of hazardous waste facilities receiving hazardous wastes from offsite locations to report significant unresolved manifest discrepancies to DTSC within 15 days after the date the shipment is received. Significant discrepancies are defined as discrepancies in the quantity of waste, such as variations greater than ten percent for bulk waste, or any variation in piece count for batch waste. Any variation in the type of waste, such as one type of waste substituted for another type of waste, constitutes a significant discrepancy.

The proposed regulations set forth a new procedure for reporting unresolved manifest discrepancies involving hazardous wastes which are explosive or poisonous (identified in 49 Code of Federal Regulations as U.S. Department of Transportation hazard

divisions 1.1 through 1.6, and hazard division 6.1, respectively). If a hazardous waste facility receiving specified wastes from an offsite location discovers a discrepancy greater than one percent in weight (for bulk waste), or any discrepancy in container count or type of waste, the facility would be allowed 24 hours to reconcile the discrepancy with the hazardous waste generator or transporter. If the discrepancy cannot be resolved within 24 hours after discovery, the facility would be required to report the discrepancy to DTSC by calling the complaint hotline number, and would be required to follow up by submitting a written report to DTSC within five days. For all other types of hazardous wastes, the requirement to report, in writing, unresolved manifest discrepancies within 15 days would remain in place, but would be clarified. The regulations would clarify that all written discrepancy notifications are to be mailed to the complaint coordinators and provide addresses where the notifications are to be mailed.

The proposed regulations would also make "changes without regulatory effect" by eliminating citations of Health and Safety Code section 208, which has been repealed. The regulations also replace the title "DHS Form 8022-A" with the correct title, "DTSC Form 8022-A", in the Appendix to article 7, chapter 12, division 4.5, title 22, California Code of Regulations.

California Environmental Quality Act (CEQA) Compliance

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available for review with the rulemaking file and the NOE will be filed with the State Clearinghouse when the regulations are adopted.

PEER REVIEW

Under the provisions of Health and Safety code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates. These regulations may create an increase in the workload for Certified Unified Program Agencies (CUPAs), as DTSC may refer manifest discrepancy reports to local CUPAs for further review and investigation.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement/Other Non-Discretionary Costs or Savings Imposed Upon Local Agencies: DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code. CUPAs may incur additional costs to investigate reported discrepancies. Pursuant to section 25404.5 of the Health and Safety Code, CUPAs have the authority to assess fees to offset costs incurred by the proposed regulations.

Cost or Savings to Any State Agency: DTSC has made a preliminary determination that the proposed regulations would not result in a significant impact on revenues or costs. However, if the change in the regulations significantly increases the number of reports received, additional staff time may be needed to process and follow up on the manifest discrepancy reports.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Effect on Housing Costs: DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: DTSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Statewide Adverse Economic Impact on Businesses: DTSC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) **Creation or elimination of jobs within California**—DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) **Creation of new businesses or the elimination of existing businesses within California**—DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) **Expansion of businesses currently doing business in California**—DTSC has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect of Small Businesses: DTSC has determined that provisions of this rulemaking may have an effect on small businesses, in that affected businesses may need to expend additional resources on discrepancy reconciliation and reporting. However, DTSC believes that the effect would be minimal.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov>, and may be obtained from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joan Ferber at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Ms. Claudia Nagy of DTSC at (916) 322-6649 or, if unavailable, Ms. Hortensia

Muniz of DTSC at (916) 324-1818. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber, Regulations Coordinator
Environmental Analysis and Regulations Section
Department of Toxic Substances Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov
Fax Number: (916) 323-3215

Ms. Ferber's phone number is (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

ACTION: Notice of proposed rulemaking.

SUBJECT: **Changes to the Accounting and Reporting Manual for California Hospitals, Second Edition.**

PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (hereafter the "Office" or "OSHDP") proposes to amend the text of the *Accounting and Reporting Manual for California Hospitals*, Second Edition, as amended April 19, 2000 (hereafter the "Manual"), Section 97018 of Title 22 of the California Code of Regulations which incorporates the Manual by reference, and Section 97041 of Title 22 of the California Code of Regulations which describes the report procedure for the Hospital Annual Disclosure Report and Hospital Quarterly Financial and Utilization Report.

AUTHORITY AND REFERENCE

The Office of Statewide Health Planning and Development, pursuant to Section 128810 of the Health and Safety Code, has the authority to implement, interpret, or make specific Sections 128735, 128740, and 128760 of the Health and Safety Code.

WRITTEN COMMENT PERIOD

NOTICE IS ALSO GIVEN that no public hearings are scheduled to be held. Interested parties may submit written comments presenting statements, arguments, or contentions relating to the proposed action. All comments must be received by the Office by 5:00 p.m. on September 20, 2002, which is designated as the close of the written comment period. A public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person, or his or her duly authorized representative, submits a written request to hold a public hearing to the Contact Person (see Contact Person and address below).

CONTACT PERSON

General and substantive inquiries and comments concerning the proposed Manual changes may be addressed to Kenrick J. Kwong, Manager, Accounting and Reporting Systems Section, Office of Statewide Health Planning and Development, 818 K Street, Room 400, Sacramento, California 95814 (telephone: 916-323-7681; fax: 916-323-7675; e-mail: kwong@oshpd.state.ca.us). The Office's backup contact person is Tim Pasco, Systems Analyst, Hospital Financial Data Unit, Office of Statewide Health Planning and Development, 818 K Street, Room 400, Sacramento, California 95814 (telephone: 916-323-1955; fax: 916-327-0377; e-mail: tpasco@oshpd.state.ca.us).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Health Data and Advisory Council Consolidation Act of 1984 (California Health and Safety Code Sections 128675 through 128815) requires OSHPD to maintain a uniform system of accounting for non-federal California hospitals and that all such hospitals use that system in their books and records on a day-to-day basis. As part of its responsibility to maintain a uniform hospital system of accounting, OSHPD is obligated to update that system to meet the current accounting needs of hospitals using that system. The uniform system provides the foundation for the collection and reporting of specific data on an annual and quarterly basis to OSHPD. The underlying objective of the reporting requirement is to provide the public, the hospital industry, and State policy makers accurate, uniform, and objective information regarding the revenues, expenses, assets, liabilities, equity, capacity, and utilization of California hospitals. As

public information, these data are and will continue to be available to officials at all levels of state and local government for their use in formulating and evaluating health system policies and in managing governmental health delivery programs. These data are also available to health care consultants, employers, insurers, organized labor, and other health care purchasers who may use the information to make informed decisions in today's health care market. Finally, the data are available to health service providers who may use the information for health facility management and strategic planning purposes.

The Manual is being revised to:

- clarify accounting and reporting requirements related to charity care;
- add data items related to hospitals' charity care guidelines as new report page 3.5;
- clarify accounting and reporting requirements related Medi-Cal disproportionate share and other supplemental payment programs;
- add a summary of live birth data to report page 4;
- add three new data items on the hospital annual disclosure report page 0 related to hospital and report preparer information (hospital web site address, report preparer's organization name, and report preparer's business e-mail address);
- simplify the reporting of standard units of measure for several cost centers;
- add an indicator of the neonatal intensive care unit standard for hospitals approved by the California Children's Services program to report page 1;
- update the Quarterly Reporting Requirements, chapter 8000, revising references to the reporting application used to prepare and submit hospital quarterly financial and utilization reports from the Hospital Quarterly Reporting System (HQRS) to the Internet Hospital Quarterly Reporting System (IHQRS); and
- make minor corrections or clarifying changes.

CCR Section 97018, Accounting and Reporting Manual for California Hospitals

Section 97018 of Title 22, California Code of Regulations, is being amended to reflect the effective date of the above changes to the Second Edition of the Manual.

CCR Section 97041, Report Procedure

Section 97041 of Title 22, California Code of Regulations is being amended to change references to the quarterly reporting application from the Hospital Quarterly Reporting System (HQRS) to the Internet Hospital Reporting System (IHQRS), and update references to the Instructions and Specifications for Developing Approved Software to Submit the California Hospital Annual Disclosure Report on Personal

Computer Diskette, and the Instructions and Specifications for Developing Approved Software to Submit the California Long-term Care Facility Integrated Disclosure & Medi-Cal Cost Report on Personal Computer (PC) Diskette. Copies of the Instructions and Specifications for Developing Approved Software to Submit the California Hospital Annual Disclosure Report on Personal Computer Diskette, July 2002 issue, and the Specifications for Developing Approved Software to Submit the California Long-term Care Facility Integrated Disclosure & Medi-Cal Cost Report on Personal Computer (PC) Diskette, November 2001 issue, are available for public review at 818 K Street, Room 400 Sacramento, CA 95814. To request viewing these documents, call the Office at (916) 323-1955.

FISCAL IMPACT ESTIMATES

- A. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code § 11346.5(a)(6)): None.
- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't Code § 11346.5(a)(6)): None.
- C. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code § 11346.5(a)(6)): None.
- D. Cost or Savings in Federal Funding to the State (Cal. Gov't Code § 11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov't Code "§ 11346.5(a)(12)): None.
- F. Potential Cost Impact on Private Persons or Affected Business, Other Than Small Businesses (Cal. Gov't Code § 11346.5(a)(9)): The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DETERMINATIONS

As required by Government Code Section 11346.5(a)(5), the Office has determined that the proposed Manual changes will impose requirements on all California hospitals, and will only incidentally affect government hospitals. There is no local mandate created by proposed revisions which would require state reimbursement required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code. *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 57-58.

As required by Government Code Section 11346.5(a)(8), the Office has determined that the proposed Manual changes would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Pursuant to Government Code Section 11346.3(b)(1), the Office has determined that the proposed amendments would not significantly affect the following:

- (A) The creation or elimination of jobs within the State of California.
- (B) The creation of new businesses or the elimination of existing businesses within the State of California.
- (C) The expansion of businesses currently doing business within the State of California.

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that the regulations will not affect small businesses as defined in Government Code Section 11342.610. All affected hospitals either have more than 150 beds, have annual gross receipts exceeding \$1,500,000, are not independently owned and operated, or are organized as nonprofit institutions.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Office prepared an Initial Statement of Reasons for the proposed Manual changes and related regulations. The Initial Statement of Reasons, the text of the proposed changes (in italic and strikeout format), and the information in support of the proposed changes are available from the Office at the address indicated above (see Contact Person). In addition, the Initial Statement of Reasons and text of the proposed changes will be mailed to all California-licensed hospitals. The Initial Statement of Reasons, and the text of the proposed changes will be available on the Office's web site at: <http://www.oshpd.state.ca.us/hid/aboutus/laws.htm>.

Any person submitting a comment on the proposed Manual changes and related regulations has the right to request a copy of the Final Statement of Reasons once it has been prepared from the Contact Person (see Contact Person).

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the public comment period or at the end of a public hearing, if one is requested and held, the Office may, without further notice, adopt the regulatory changes as proposed or adopt them with nonsubstantial or grammatical changes as it deems appropriate. If the Office intends to adopt the regulations with modifications, other than nonsubstantial or grammatical changes, the full text of the modified regulations will be made available to the public at least 15 days before they are adopted. A request for copies of modified regulations should be submitted to the Contact Person at the address noted above.

ALTERNATIVES

According to Government Code Section 11346.5(a)(13) the Office must determine that no reasonable alternative considered by the Office or that has otherwise been identified and brought to the attention of the Office would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD
Asbestos ATCM**

This action will establish a standard airborne toxic control measure designed to limit exposure of people to fibers of asbestos in the air resulting from construction, grading, quarrying and surface mining activities.

Title 17
California Code of Regulations
ADOPT: 93105

Filed 07/22/02
 Effective 07/22/02
 Agency Contact:
 Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Spark-Ignition Inboard and Sterndrive Marine Engines

In this regulatory action, the Air Resources Board provides for the control of engine exhaust emissions (hydrocarbons and oxides of nitrogen) from spark-ignition inboard and sterndrive marine engines. The regulations set forth the exhaust emission standards and test procedures for these inboard and sterndrive marine engines and related requirements such as engine label standards, consumer/environmental label requirements, compliance testing and recall provisions, on-board engine malfunction detection system requirements, engine defects warranty requirements and warranty disclosures, production-line test procedures and selective enforcement auditing.

Title 13
 California Code of Regulations
 ADOPT: 2444.2 AMEND: 2111, 2112, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446
 Filed 07/22/02
 Effective 08/21/02
 Agency Contact:
 Artavia M. Edwards (916) 322-6070

BOARD OF PSYCHOLOGY

Supervision Training Requirement

Section 2914 of the Business and Professions Code requires that applicants for licensure from the Board of Psychology engage for at least two years in supervised professional experience under the direction of a licensed psychologist. Existing subsection (b) of section 1387.1 of title 16 of the California Code of Regulations requires that a primary supervisor certify on his/her verification form that he/she has completed at least six hours of formal training in supervision which training can be accomplished in a number of specified ways. Effective January 1, 2003, this regulatory action eliminates the training requirement in existing subsection (b) and, pursuant to a new subsection (c), requires a primary supervisor to complete a minimum of six hours of supervision coursework every two years.

Title 16
 California Code of Regulations
 AMEND: 1387.1
 Filed 07/17/02
 Effective 01/01/03
 Agency Contact: Kathy Bradbury (916) 263-0712

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration and compliant Resolution

This Certificate of Compliance adopts regulations concerning program administration and complaint resolution. (Previous OAL file ## 01-0620-03E, 01-12-13-01EE)

Title 22, MPP
 California Code of Regulations
 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478,
 Filed 07/24/02
 Effective 07/24/02
 Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CHILD SUPPORT SERVICES

Bonding of Employees

This action would specify the requirements and criteria for the bonding of employees by local child support agencies and other entities involved with the local child support agency in the handling of cash and in the accounting of child support funds.

Title 22
 California Code of Regulations
 ADOPT: 111550
 Filed 07/22/02
 Effective 07/22/02
 Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CONSERVATION

SB 528 Quality Glass Incentive Payment Emergency Regulations

Senate Bill 528, Chapter 874, Statutes of 2001, was enacted as an urgency measure effective October 14, 2001. Under the prior statutes only curbside programs were eligible for "quality glass" incentive payments. Quality glass is color-sorted glass beverage containers that are substantially free of contaminants. SB528 extended the eligibility for the quality glass incentive payments to any certified entity. This filing is a readoption of emergency regulations concerning the qualifications for the payments, the process and criteria for obtaining authorization to submit claims, approval, denial, suspension and revocation criteria, procedures for authorization, two forms, and accounting and reporting requirements.

Title 14
 California Code of Regulations
 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850
 Filed 07/17/02
 Effective 07/23/02
 Agency Contact: Marty Nold (916) 327-2761

DEPARTMENT OF CORRECTIONS**Recreation & Physical Education Programming**

This rulemaking revises provisions governing inmate recreation and physical education programs.

Title 15

California Code of Regulations

ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1

Filed 07/24/02

Effective 08/23/02

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF FOOD AND AGRICULTURE**Motorized Racing Contracts**

The regulatory action deals with required contractual provisions for motorized racing contracts.

Title 3

California Code of Regulations

ADOPT: 7015

Filed 07/23/02

Effective 08/22/02

Agency Contact: Sue Fick (916) 263-2958

DEPARTMENT OF HEALTH SERVICES**Disease Reporting to Assess Potential Bioterrorism Events**

Beginning with a series of Presidential Decision Directives in 1995, all 50 states are now engaged in the development of programs to detect biological attacks and effectively counter an attack. The CDC and bioterrorism experts have focused on 7 disease agents/conditions for intensive surveillance and rapid reporting. These are the agents of anthrax, botulism, brucellosis, plague, smallpox, tularemia, and viral hemorrhagic fevers. This filing is a certificate of compliance for emergency regulations which made these agents immediately reportable by health care providers, directors of medical laboratories, and local health officers. In addition, health care providers and local health officers are required to immediately report varicella (deaths only), occurrences of any unusual disease, or outbreaks of any disease.

Title 17

California Code of Regulations

ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626

Filed 07/17/02

Effective 07/17/02

Agency Contact:

Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF MANAGED HEALTH CARE**Acts of War Exclusions**

This certificate of compliance, for an emergency action (LS 35-01) effective February 14, 2002, concerns health care service plan exclusions of coverage based upon acts of war. Customary "Acts of

War" exclusions contained in plan contracts violate the Knox-Keene Act; health care service plans must provide all basic health care services to their enrollees.

Title 28

California Code of Regulations

ADOPT: 1300.67.05

Filed 07/17/02

Effective 07/17/02

Agency Contact:

Lyn Amor Macaraeg (916) 322-9727

DEPARTMENT OF PESTICIDE REGULATION**Pesticide Exposure Studies Involving Human Participants**

This emergency rulemaking action amends the standards for conducting a study of pesticide exposure involving human participants.

Title 3

California Code of Regulations

AMEND: 6000, 6710

Filed 07/18/02

Effective 07/18/02

Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF SOCIAL SERVICES**CalWORKs: Inter-County Transfers**

This action (ORD#0801-18) amends the CalWORKs Inter-County Transfer procedures by specifying timeframes counties must follow, eligibility criteria, and client informing, to ensure continuous services and cash aid to recipients moving from one county to another.

Title MPP

California Code of Regulations

ADOPT: 40-188.136, 40-188.16, 40-188.21
AMEND: 40.101.11, 40-188.11, 40-188.12, 40-188.13, 40-188.131, 40-188.132, 40-188.133, 40-188.137, 40-188.138, 40-188.15, 40-188.17, 40-188.22, 40-188.23, 40-188.24, 40-188.25, 40-190.22

Filed 07/22/02

Effective 08/21/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Electronic Benefit Transfer (EPT) Benefit Adjustments**

This emergency action establishes time limits and procedures for processing requests for adjustments to electronic transfer of food stamp and cash assistance benefits, and for requesting a hearing concerning such adjustments.

Title MPP

California Code of Regulations

ADOPT: 16-702

Filed 07/24/02
 Effective 07/24/02
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Residential Care Facilities for the Elderly

This rulemaking action updates numerous community care facility licensing and procedure provisions to conform with both recent legislation and from as far back as 1988, concerning theft and loss policies, transfers of license in case of death, care of potentially dangerous residents, resident care plans and the use of home health care in facilities, as well as responding to a petition asking for language prohibiting discrimination based on actual or perceived sexual orientation.

Title 22, MPP
 California Code of Regulations
 ADOPT: 87227.1, 87583.1 AMEND: 80007(a), 87101(s), 87107(a), 87114, 87118(a), 87222(a), 87561(a)(1)(A), 87585(a), 87587, 87700, 87702, 87807(a), 87854(d)
 Filed 07/23/02
 Effective 08/22/02
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

ENVIRONMENTAL PROTECTION AGENCY
Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and for printing in the California Code of Regulations only.

Title 27
 California Code of Regulations
 ADOPT: 10010(a), 10010(b), 10010(c), 10010(d)
 REPEAL: 10010
 Filed 07/23/02
 Effective 08/22/02
 Agency Contact:
 Carol J. Monahan (916) 322-3638

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop. 65)

The proposed regulatory action establishes or modifies specific regulatory levels for 22 chemicals known to the State to cause cancer or reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Title 22
 California Code of Regulations
 AMEND: 12705, 12805

Filed 07/18/02
 Effective 08/17/02
 Agency Contact: Susan Luong (916) 327-3015

STATE WATER RESOURCES CONTROL BOARD
Water Quality Control Plan, Los Angeles Region

This action establishes no trash as the total maximum daily load of trash allowed to be discharged into the Ballona Creek and Wetland, and adopts a schedule for the progressive attainment of this standard over a period of ten years after two years of baseline monitoring.

Title 23
 California Code of Regulations
 ADOPT: 3936
 Filed 07/18/02
 Effective 07/18/02
 Agency Contact: Joanna Jensen (916) 657-1036

CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MARCH 20, 2002
TO JULY 24, 2002

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
 07/11/02 AMEND: 554.6
 07/11/02 AMEND: 18707.4
 07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220
 06/27/02 ADOPT: 2351
 06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
 AMEND: 18402
 06/25/02 AMEND: 1189.10
 06/20/02 REPEAL: 548.96
 06/20/02 AMEND: 561.2, 561.3
 06/17/02 AMEND: 18239, 18615, 18616
 06/06/02 ADOPT: 18572
 05/28/02 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
 05/22/02 AMEND: 571(a)(5)
 05/13/02 AMEND: 18428

05/10/02 AMEND: 18351
 05/09/02 AMEND: 20202, 20206, 20210, 20224, 20234, 20298, 20350, 20363, 20910
 REPEAL: 20106, 20205, 20213
 05/02/02 ADOPT: 1859.104.1, 1859.104.2, 1859.104.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.51, 1859.61, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.91, 1859.95, 1859.100, 1859.101, 1859.102,
 04/26/02 ADOPT: 18520 AMEND: 18521, 18523, 18523.1
 04/19/02 ADOPT: 18537.1
 04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.41, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.74.4, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.
 04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10
 03/27/02 ADOPT: 59100

Title 3

07/23/02 ADOPT: 7015
 07/18/02 AMEND: 6000, 6710
 07/11/02 AMEND: 3700(b)
 07/03/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1
 07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND: 300(c)
 06/20/02 REPEAL: 3431, 3591.17
 06/13/02 AMEND: 2303(t)
 06/13/02 ADOPT: 1366
 06/11/02 AMEND: 3425(b)
 06/10/02 AMEND: 6391, 6393, 6394, 6395
 06/10/02 AMEND: 3406(b)
 06/04/02 AMEND: 3591.16(a)
 05/29/02 AMEND: 1380.19, 1436.38, 1446.7, 1454.14, 1462.15
 05/16/02 AMEND: 1428.12, 1428.16
 05/02/02 AMEND: 3700(a), (b), & (c)
 04/23/02 AMEND: 3591.12(a)
 04/23/02 ADOPT: 899.2 AMEND: 899.1
 04/18/02 AMEND: 6510, 6793
 04/12/02 AMEND: 3423(b)
 04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668, 3669
 04/08/02 AMEND: 6450.2, 6450.3, 6784
 04/04/02 AMEND: 3033.2, 3033.3, 3033.4
 04/02/02 ADOPT: 480.9 AMEND: 480.7

Title 4

07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106, 12108, 12110, 12120, 12130
 05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125
 05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009, 3010 AMEND: 1928
 04/16/02 AMEND: 1405, 1527
 03/21/02 ADOPT: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101

Title 5

07/15/02 AMEND: 80105, 80109, 80110, 80111, 80112, 80113, 80114, and 80115
 06/28/02 ADOPT: 11983.5
 06/11/02 AMEND: 11530, 11531
 06/05/02 AMEND: 59311, 59328, 59342
 05/21/02 AMEND: 80026.4, 80026.6, 80122
 05/20/02 ADOPT: 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219 AMEND: 55316.5, 58003.1, 58003.3, 58007, 58009, 58051, 58056 REPEAL: 55317, 55352, 55370, 55372, 55374, 55376, 55378, 55380
 05/08/02 ADOPT: 80434 AMEND: 80001
 05/03/02 ADOPT: 54045.5, 58003.6
 03/25/02 ADOPT: 11980, 11981, 11982, 11983, 11984, 11985, 11986
 03/20/02 AMEND: 50500
 03/20/02 AMEND: 59300, 59302, 59303, 59304, 59305, 59306, 59310, 59311, 59320, 59322, 59324, 59326, 59327, 59328, 59329, 59330, 59333, 59334, 59336, 59338, 59339, 59340, 59342, 59350, 59351, 59352, 59354, 59358, 59360, 59362

Title 7

04/04/02 ADOPT: 237

Title 8

07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406, 411.1, 415, 417.3 REPEAL: 411.2, 411.3, 411.4
 06/20/02 AMEND: 3700, 3702
 06/18/02 AMEND: 5189
 06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
 06/03/02 AMEND: 4885
 06/03/02 AMEND: 5034(f)
 05/28/02 AMEND: 3650, 3664
 05/20/02 AMEND: 32125, 32130, 32140, 32603, 32604, 32720, 32735, 32738, 32739, 32744, 32752, 32763, 32980

05/07/02 ADOPT: 11080, 11090, 11100, 11110,
11120, 11130, 11150 REPEAL: 11080,
11090, 11100, 11130, 11130, 11150
05/06/02 AMEND: 3089
05/02/02 AMEND: 100, 106, 107
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
1671, 1709, 1710
05/01/02 ADOPT: 11140 AMEND: 11140
04/22/02 AMEND: 2320.2 of the Low voltage
Electrical safety orders
04/03/02 AMEND: 1626
03/28/02 ADOPT: 341.15

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1and 3122.0

Title 9

06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
9505, 9515, 9530, 9535

Title 10

07/10/02 ADOPT: 1422, 1423
07/02/02 AMEND: 6070
06/24/02 ADOPT: 2698.68
06/20/02 AMEND: 2498.6
06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
AMEND: 2790.1, 2791.8, 2792, 2800,
2810, 2811, 2910, 2911, 2912, 2930
06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
06/07/02 AMEND: 5.2001 and Appendix
06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
01-1219-06 E
06/03/02 ADOPT: 2187.3 AMEND: 2186.1,
2187.1, 2187.2
06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12, 2192.13
05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
04/29/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6631, 2699.6717
AMEND: 2699.6500, 2699.6600,
2699.6605, 2699.6607, 2699.6611,
2699.6613, 2699.6617, 2699.6623,
2699.6625, 2699.6629, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.6809
04/29/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
04/16/02 AMEND: 2698.73
03/27/02 ADOPT: 260.204.9
03/26/02 AMEND: 250.30
03/22/02 AMEND: 2698.200, 2698.201, 2698.301,
2698.302
03/21/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
2130.4, 2130.5, 2130.6, 2130.7.8

Title 11

07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,
419, 419.1, 419.2, 419.3, 420, 421, 422,
423, 424, 425, 426 REPEAL: 410, 411,
415, 416, 417, 418, 419, 420, 421, 422,
423, 424, 425, 426
07/01/02 AMEND: 1081
06/27/02 AMEND: 987.1
06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14, Appendix A
05/24/02 AMEND: 1005
05/21/02 AMEND: 1005
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,
449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48
04/26/02 AMEND: 1005, 1008
04/25/02 ADOPT: 1081(a)(32)
04/23/02 AMEND: 3000, 3001, 3003, 3007, 3008
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
906, 907, 908, 911
04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14 and Appendix A

Title 13

07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112,
2139, 2140, 2147, 2440, 2441, 2442,
2443.1, 2443.2, 2443.3, 2444, 2445.1,
2445.2, 2446
07/10/02 AMEND: 1213.1, 1230, 1239
07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09,
225.12, 225.15, 225.18, 225.21, 225.24,
225.27, 225.30, 225.33, 225.36, 225.39,
225.42, 225.45, 225.48, 225.51, 225.54,
225.57, 225.60, 225.63, 225.66, 225.69,
225.72
06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962
06/24/02 AMEND: 1270
06/18/02 AMEND: 1
06/03/02 AMEND: 565
05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 &
the Incorporated Test Procedure
04/29/02 AMEND: 350.44
04/04/02 ADOPT: 565
03/25/02 AMEND: 345.04, 345.41
03/20/02 ADOPT: 1235.1, 1235.2, 1235.3, 1235.4,
1235.5, 1235.6 AMEND: 1200

Title 14

07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530,
2690 renumbered to 2850
07/15/02 ADOPT: 916.13, 936.13, 956.13,
916.13.1, 936.13.1, 956.13.1, 916.13.2,
936.13.2, 956.13.2, 916.13.3, 936.13.3,
956.13.3, 916.13.4, 936.13.4, 956.13.4,

916.13.5, 936.13.5, 956.13.5, 916.13.6,
936.13.6, 956.13.6, 916.13.7, 936.13.7,
956.13.7, 916.13.8, 936
07/12/02 AMEND: 895.1, 898, 914.8, 934.8,
954.8, 916, 936, 956, 916.2, 936.2, 956.2,
916.9, 936.9, 956.9, 916.11, 936.11,
956.11, 916.12, 936.12, 956.12, 923.3,
943.3, 963.3, 923.9, 943.9, 963.9
06/28/02 ADOPT: 708 AMEND: 265, 308, 360,
361, 362, 363, 364, 365, 367, 368, 401,
555, 601, 711 REPEAL: 370, 371, 372,
373
06/27/02 ADOPT: 4971
06/25/02 AMEND: 7.50
06/24/02 AMEND: 791, 791.5, 791.7, 792, 793,
794, 795, 796, and 797.
06/20/02 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9
06/19/02 AMEND: 2030
06/19/02 AMEND: 2135
06/18/02 AMEND: 11900
06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3)
AMEND: 17400, 17402, 17402.5
06/06/02 ADOPT: 749.1
06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171,
6179, 6184, 6185, 6200, 6206, 6222,
6243, 6254, 6255, 6262
05/30/02 AMEND: 1104.1
05/23/02 ADOPT: 52.10
05/22/02 AMEND: 1037.4, 1092.19
05/21/02 ADOPT: 17367, 17368, 17369, 17370.1,
17370.2, 18225
05/20/02 AMEND: 149
04/29/02 AMEND: 27.80
04/11/02 ADOPT: 104.1
04/10/02 AMEND: 27.67
04/10/02 AMEND: 17943(b)(26)
04/04/02 AMEND: 670.2
03/26/02 AMEND: 28.59
03/25/02 ADOPT: 180.15
03/25/02 AMEND: 2090, 2105, 2420, 2425, 2530,
2690

Title 14, 27

06/21/02 AMEND: 18104.8, 18105.9, 18105.10,
21140

Title 15

07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220,
3220.1
07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458,
3459, 3460, 3462, 3463, 3464
05/08/02 ADOPT: 4746.5
05/06/02 AMEND: 3104
04/17/02 AMEND: 3276
03/20/02 AMEND: 3401.5

Title 16

07/17/02 AMEND: 1387.1
07/03/02 AMEND: 3394.4 and 3394.6
07/01/02 ADOPT: 638, 639, 640, 641
06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND:
6, 7, 9, 9.1, 10, 11.5, 37, 50
06/03/02 AMEND: 2034, 2036
05/29/02 ADOPT: 980.1 AMEND: 974
05/28/02 AMEND: 3340.42
05/24/02 ADOPT: 832.06 AMEND: 832.05
05/21/02 ADOPT: 1356.5
05/21/02 ADOPT: 2412 AMEND: 2411, 2418
05/21/02 AMEND: 2006
05/16/02 AMEND: 832.54
05/08/02 AMEND: 832.09
05/02/02 AMEND: 3303, 3353, 3361.1
04/09/02 AMEND: 2010.1, 2024, 2025
04/02/02 AMEND: 2068.5
03/29/02 AMEND: 2620.5, 2649, 2671
03/29/02 REPEAL: 1044.4
03/26/02 AMEND: 1950, 1950.2, 1970.4 RE-
PEAL: 1990.1, 1991.1
03/25/02 AMEND: Section 1888
03/20/02 AMEND: 1083

Title 17

07/22/02 ADOPT: 93105
07/17/02 ADOPT: 2638 AMEND: 2500, 2502,
2505, 2551, 2552, 2553, 2596, 2614,
2626
06/28/02 AMEND: 6508
06/10/02 AMEND: 90700, 90701, 90702, 90703,
90704, 90705 & to the tables in Section
90705
05/16/02 AMEND: 6508
05/02/02 ADOPT: 2641.5, 2641.10, 2641.15,
2641.20, 2641.25, 2641.30, 2641.35,
2641.45, 2641.50, 2641.55, 2641.60,
2641.65, 2641.70, 2641.75, 2641.77,
2641.80, 2641.85, 2641.90, 2643.5,
2643.10, 2643.15, 2643.20.
04/22/02 AMEND: 70500, 70600
04/11/02 AMEND: 58420
04/10/02 ADOPT: 54327.2 AMEND: 54302,
54327, 54327.1, 56002, 56026,
56093&58651
03/27/02 AMEND: 57310, 57332, 57530

Title 18

07/02/02 ADOPT: 1533.2
06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435,
1436 AMEND: 1101, 1105, 1120, 1132,
1134, 1420, 1422, 1430 REPEAL: 1103,
1104, 1106, 1107, 1108, 1114, 1115, 1116,
1117, 1118, 1119, 1121, 1131, 1133, 1151,
1152, 1153, 1154, 1155, 1171, 1172,
1173, 1174, 1175, 1176

06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262	66268.40 and table entitled "Treatment Standards for Hazardous Wastes, 66268.48, 66268.49, Ch. 18 App. VII.
06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26	06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
06/07/02 ADOPT: 1525.7	
06/07/02 ADOPT: 1533	
06/07/02 AMEND: 1533.1	
06/06/02 ADOPT: 1507	06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178
06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.	04/30/02 AMEND: 51515(c), 51515(e), 51518(b), 51521(1), 51527(b)
06/04/02 AMEND: 135	04/18/02 AMEND: 4304-12
05/29/02 AMEND: 23101.5	04/16/02 AMEND: 12000
05/20/02 ADOPT: 138	04/16/02 AMEND: 4408, 4409, 4414
05/16/02 ADOPT: 139	04/11/02 AMEND: 66261.6
05/15/02 AMEND: 1699	04/04/02 ADOPT: 66270.42.5, 66271.20 AMEND: 66270.42, 66271.18, 66270.21
05/14/02 AMEND: 1603	04/04/02 AMEND: 66270.69, 67800.1, 67800.5
05/14/02 AMEND: 905	04/04/02 AMEND: 66262.54, 66264.71, 66264.71, 66265.71, 66265.72, 66270.30, Appendix
05/13/02 ADOPT: 1434	03/26/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66273.1, 662173.8, 66273.9
05/13/02 ADOPT: 4011 AMEND: 4061	03/21/02 AMEND: 926-3, 926-4, 926-5
04/17/02 ADOPT: 305.3	Title 22, MPP
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